



Order Filed on January 9, 2024
by Clerk
U.S. Bankruptcy Court
District of New Jersey

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY**

Caption in Compliance with D.N.J. LBR 9004-1(b)

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In re:

BED BATH & BEYOND INC., *et al.*,¹

Debtors.

Chapter 11

Case No. 23-13359 (VFP)

(Jointly Administered)

**ORDER GRANTING DEBTORS' (I) OMNIBUS OBJECTION TO CERTAIN TAX
CLAIMS AND (II) MOTION TO DETERMINE TAX LIABILITY AND STAY
PROCEEDINGS WITH RESPECT TO CERTAIN CLAIMS**

The relief set forth on the following pages, numbered two (2) through five (5), is
ORDERED.

DATED: January 9, 2024

A handwritten signature in black ink, appearing to read "Vincent F. Papalia".

Honorable Vincent F. Papalia
United States Bankruptcy Judge

¹ The last four digits of Debtor Bed Bath & Beyond Inc.'s tax identification number are 0488. A complete list of the Debtors in these chapter 11 cases and each such Debtor's tax identification number may be obtained on the website of the Debtor's proposed claims and noticing agent at <https://restructuring.ra.kroll.com/bbby>.

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Debtors: BED BATH & BEYOND INC., *et al.*

Case No. 23-13359-VFP

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Upon the *Debtors' (I) Omnibus Objection to Certain Tax Claims and (II) Motion to Determine Tax Liability and Stay Proceedings* [[Docket No. 2156](#)] (the "Omnibus Objection")¹ on behalf of the Plan Administrator, as successor to the debtors (the "Debtors"), for entry of an order (this "Order"), pursuant to sections 105(a), 502, and 505 of the Bankruptcy Code, Bankruptcy Rule 3007, and Local Rule 3007-2 (i) determining market values to establish the bases upon which to compute taxes for tax year 2023 as to the Claims and to stay state proceedings and (ii) modifying or reducing the Claims listed on **Schedule 1** attached hereto based on the determination of assessed value of the Debtors' property solely for tax year 2023; and the Court having jurisdiction to consider the Omnibus Objection and the relief requested therein in accordance with [28 U.S.C. §§ 157](#) and [1334](#); and consideration of the Omnibus Objection and the relief requested therein being a core proceeding in accordance with [28 U.S.C. § 157\(b\)\(2\)](#); and it appearing that proper and adequate notice of the Motion has been given and that no other of further notice is necessary; and venue being proper in this District pursuant to 28 U.S.C. §§ 1408 and 1409; and after due deliberation and sufficient cause appearing therefor

IT IS HEREBY ORDERED THAT:

1. The Omnibus Objection is GRANTED as set forth herein.
2. Pursuant to section 505(a) of the Bankruptcy Code, the Court finally determines that the Revised Fair Market Values set forth on the Assessment Schedule attached as Exhibit 1 to the Lammert Declaration are the appropriate bases upon which the Texas Authorities are to

¹ Capitalized terms used but not defined herein shall have the meanings ascribed to them in the Omnibus Objection.

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compute taxes for the tax year 2023 for the Property. All tax related administrative or state proceedings (whether administrative hearings, administrative appeals, judicial appeals, or state court litigation) related to the valuation of the Property and related deadlines are hereby discontinued with prejudice and are finally determined as set forth herein..

3. The Claims set forth on **Schedule 1** attached hereto shall be reduced or modified for the tax year 2023 based on the Revised Fair Market Values set forth in the Assessment Schedule and reflected on **Schedule 1** hereto in full and final satisfaction of the 2023 tax year.

4. Nothing contained in this Order shall impair the rights of the Debtors to seek, pursuant to section 505 of the Bankruptcy Code, a refund of any taxes previously paid with respect to the Property.

5. All rights of the Debtors or their successors to object to claims of the Texas Authorities on any other grounds, including the 2022 tax year, and to amend, modify, and/or supplement this Omnibus Objection are preserved.

6. The objection to each Claim addressed in the Omnibus Objection and as set forth in **Schedule 1** attached hereto, constitutes a separate contested matter as contemplated by Bankruptcy Rule 9014. This Order shall be deemed a separate order with respect to each Claim that is the subject of the Omnibus Objection and this Order. Any stay of this Order pending appeal by any claimants whose claims are subject to this Order shall only apply to the contested matter that involves such claimant and shall not stay the applicability and/or finality of this Order with respect to any other contested matters addressed in the Omnibus Objection and this Order.

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7. The requirement set forth in Local Rule 9013-1(a)(3) that any motion or other request for relief be accompanied by a memorandum of law is hereby deemed satisfied by the contents of the Omnibus Objection or otherwise waived.

8. Notwithstanding any applicability of any of the Bankruptcy Rules, the terms and conditions of this Order shall be immediately effective and enforceable upon its entry.

9. The Debtors or their successors are authorized to take all actions necessary to effectuate the relief granted pursuant to this Order.

10. Other than as set forth in **Schedule 1**, nothing contained herein shall be considered “law of the case” and/or waive or otherwise limit any other claimant’s defenses in connection with the Motion.

11. This Court shall retain jurisdiction over all matters arising from or related to the implementation and interpretation of this Order.

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MOTION TO DETERMINE TAX LIABILITY AND STAY PROCEEDINGS WITH RESPECT TO
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SCHEDULE 1

<i>County</i>	<i>Claim Status</i>	<i>Claimant</i>	<i>Claim No.</i>	<i>Account No.</i>	<i>2023 Asserted Value</i>	<i>2023 Revised Fair Market Value</i>
Brazos	Secured	Brazos County	135	335670	\$981,312.00	\$283,811.00
Cameron	Secured	Cameron County	440	232423	\$568,480.00	\$0.00
Tom Green	Secured	Tom Green CAD	155	P000078818	\$304,840.00	\$0.00
Harris*	Secured	Humble ISD	530	0797999	\$1,699,693.00	\$0.00
	Secured	Harris County	873	0797999	\$1,699,693.00	\$0.00

* Harris County Claim 873 was filed to include other tax account/locations of the Debtor. The Claim and Allowed Amount for Claim 873 is \$1,699,693.00. The Claim and Allowed Amount for Claim 873 is \$1,699,693.00. Account No. 079799 and exclude other Harris County accounts.